

COURT MINUTES OF SENTENCING HEARING

UNITED STATES of AMERICA,

v.

CASE NO. 22-CR-233-JPS

KENNETH TWYMAN.

HON. J. P. STADTMUELLER PRESIDING

DATE: January 26, 2024

TIME SCHEDULED: 10:00 a.m.

COURT DEPUTY/CLERK: Caitlin Willenbrink

TIME CALLED: 9:58 a.m.

COURT REPORTER: Sue Armbruster

TIME FINISHED: 10:35 a.m.

GOVERNMENT BY: Porchia Lewand

DEFENDANT BY: Mark Richards

PROBATION BY: Hannah Behnke

Notes:

- 9:58 Appearances; Court puts background of case on record, including Defendant's having pled guilty to Counts One, Two, Three, and Four of the Information; Court notes it has reviewed presentence report
- 10:01 Parties have reviewed presentence report and have no objections to the facts as stated therein; Court therefore adopts the facts as stated in the presentence report
- 10:02 Court notes applicable Guidelines:
Total Offense Level: 21
Criminal History Category: V
70 to 87 months imprisonment; Count Three carries a statutory maximum term of imprisonment of 60 months
3 years supervised release as to Count One, 1 to 3 years as to Counts Two and Four, 2 to 3 years as to Count Three
\$15,000.00 to \$1,000,000.00 fine
\$100.00 special assessment as to each Count, total \$400.00

10:04 Parties accept these guidelines; Court will adopt for purposes of considering Defendant's sentence

10:05 Court asks whether Defendant or Defendant's attorney have any reason the Court should not proceed with sentencing in this case; Defendant's attorney responds they do not

10:06 Defendant's attorney makes a statement on Defendant's behalf; requests within-Guidelines sentence and that sentences imposed in this matter operate to run concurrently with the state sentence Defendant is currently serving

10:11 Court asks about current status of state case

10:11 Defendant's attorney states that the state case is on appeal and that appellate counsel has recently been appointed

10:11 Defendant makes a statement on his own behalf

10:12 Government makes a statement; requests a sentence of 10 years and concurs in Defendant's request for time to run concurrently with Defendant's state sentence; moves to dismiss Indictment

10:17 Defendant's attorney responds to Government's comments

10:18 Court discusses imposition of a term of supervised release, notes that it previously circulated proposed conditions of supervised release; parties have reviewed them and have no objections thereto

10:19 Court discusses statements of the parties, facts of the case, and facts as presented in presentence report

10:27 Court imposes the following formal sentence:
120 months of imprisonment as to each of Counts One, Two, and Four, and 60 months of imprisonment as to Count Three, all to operate to run concurrently with one another for a total term of imprisonment of 120 months; the total federal term of imprisonment is to operate to run concurrently with the sentence Defendant is currently serving in Milwaukee County Circuit Court Case No. 22CF1550
3 years of supervised release as to each Count, all to operate to run concurrently with one another, for a total term of 3 years of supervised release
Fine is waived
\$100.00 special assessment as to each Count, total \$400.00
Indictment is dismissed

10:33 Court advises Defendant of his right of appeal

10:35 Parties have nothing further to address

10:35 Court stands in recess